

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-7376**

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TONY L. MOORE,

Plaintiff - Appellant,

v.

ANTHONY J. PADULA; MS. BELL; KEITH MCBRIDE; L. GREERDE,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Timothy M. Cain, District Judge. (5:11-cv-01033-TMC-KDW)

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Submitted: December 20, 2012

Decided: December 27, 2012

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Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Tony L. Moore, Appellant Pro Se. Steven Michael Pruitt, MCDONALD, PATRICK, TINSLEY, BAGGETT & POSTON, Greenwood, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tony L. Moore seeks to appeal the district court's order denying Appellees' motion for summary judgment without prejudice and with leave to refile. Appellees move to dismiss on the ground that Moore has appealed an interlocutory order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Moore seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we grant Appellees' motion to dismiss and dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED